

1
2
3
4
5
6 TERESA CLEMENS, JORDEN
7 SIMENSEN, and ADRIA DESPRES,
8 individuals, for themselves and all
9 members of the putative class and on behalf
10 of aggrieved employees pursuant to the
11 Private Attorneys General Act ("PAGA"),
12

No. C 15-01431 WHA

13 Plaintiffs,

14 v.

15 HAIR CLUB FOR MEN, LLC, a Delaware
16 corporation, and DOES 1 through 100,
17 inclusive,

**ORDER DENYING PLAINTIFFS'
MOTION TO APPOINT ADRIA
DESPRES AS ADDITIONAL
CLASS REPRESENTATIVE**

Defendants.

18

19 In their class certification motion, plaintiffs sought to have Teresa Clemens, Jorden
20 Simensen, and Adria Despres appointed as class representatives. The time period covered by
21 the certified class began on March 27, 2014, one year before plaintiffs commenced this action,
22 although plaintiffs sought to certify a class dating back four years before the complaint.

23 In her declaration submitted in support of the motion for class certification, Despres
24 stated that her employment ended on May 31, 2013. Accordingly, because it appeared she did
25 not work for Hair Club during the certified class period (and thus lacked claims typical of the
26 class), she was not appointed as a class representative.

27 Plaintiffs now seek to have Adria Despres appointed as an additional class
28 representative, noting that her declaration inaccurately stated the end date of her employment

1 due to counsel's error. Despres has submitted a new declaration averring that she was
2 employed by Hair Club until April 13, 2015.

3 Despres's failure to recognize this error in her own declaration casts doubt on her
4 adequacy as a class representative. Moreover, plaintiffs offer no explanation of their need for
5 an additional class representative, and the class was certified although she could not serve as a
6 representative. Accordingly, there is no good cause to modify the order certifying the class to
7 appoint Despres as an additional class representative. Plaintiffs' motion is **DENIED**.

8

9 **IT IS SO ORDERED.**

10

11 Dated: April 28, 2016.

12 WILLIAM ALSUP
13 UNITED STATES DISTRICT JUDGE